

BOARD OF PSYCHOLOGY

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Board of Psychology Quarterly Board Meeting

Open Session Minutes

**Four Points Hotel
3737 N. Blackstone Avenue, Rooms 101-103
Fresno, CA 93726**

Friday, November 3, 2000

The open session meeting was called to order by the President, Martin Greenberg, Ph.D. at 9:00 am. A quorum was present and due notice had been sent to all interested parties.

Present were:

Martin Greenberg, Ph.D., President
Emil Rodolfa, Ph.D., Vice President
Judith Janaro Fabian, Ph.D.
Pamela Harmell, Ph.D.
Lisa Kalustian
Mary McMillan
Mary Ellen Early
Marilyn Palarea

Others Present:

Thomas, O'Connor, Executive Officer
Lavonne Powell, Legal Counsel
Suzanne Taylor, Assistant Executive Officer
Jeff Thomas, Assistant Executive Officer
Kathi Burns, Enforcement Coordinator
Lavinia Snyder, Licensing Analyst

Agenda Item # 1 - Approval of August 25 & 26, 2000 Open Session Minutes

M/(Dr. Rodolfa)/S/(Ms. Palarea)/C to approve the August 25 & 26, 2000 open session minutes with minor corrections.

Vote: 8-0

Agenda Item # 2 – Committee Meetings

The Credentials Committee, Examination Committee, Enforcement Committee, Legislation Committee and Consumer Education Committee met to discuss and formulate recommendations to the Board.

Agenda Item #3 – Stockton, Charles, Ph.D. – Hearing on Petition for Reinstatement of Revoked Certificate

Administrative Law Judge Catherine B. Frink presided. Deputy Attorney General Richard Marino was present and represented the People. Charles Stockton, Ph.D. was present and represented himself.

Agenda Item #4 – Mahoney, Richard, Ph.D. – Hearing on Petition for Reinstatement of Revoked Certificate

Administrative Law Judge Catherine B. Frink presided. Deputy Attorney General Isa Rodriguez was present and represented the People. Richard Mahoney, Ph.D. was present and represented himself.

Agenda Item #5 – Kassorla, Irene, Ph.D. – Hearing on Petition for Termination of Probation

Administrative Law Judge Catherine B. Frink presided. Deputy Attorney General Isa Rodriguez was present and represented the People. Irene Kassorla, Ph.D. was present and was represented by Gary Wittenberg, Attorney-at-Law.

Agenda Item #6 – Harned, Hillie, Ph.D. – Oral Argument Following Non-Adoption of Proposed Decision

Administrative Law Judge Catherine B. Frink presided. Deputy Attorney General Isa Rodriguez was present and represented the Board. Hillie Harned, Ph.D. was present and represented herself. Both parties presented oral argument.

Agenda Item #7 – Other Post-Agenda Items for Discussion

None.

The Board adjourned into closed session at 4:30 p.m.

Saturday, November 4, 2000

The open session meeting was called to order by the President, Martin Greenberg, Ph.D. at 9:10 am. A quorum was present and due notice had been sent to all interested parties.

Present were:

Martin Greenberg, Ph.D., President
Emil Rodolfa, Ph.D., Vice President
Judith Janaro Fabian, Ph.D.
Pamela Harmell, Ph.D.
Lisa Kalustian
Mary McMillan
Mary Ellen Early
Marilyn Palarea

Others Present:

Thomas, O'Connor, Executive Officer
Dan Buntjer, Legal Counsel
Suzanne Taylor, Assistant Executive Officer
Jeff Thomas, Assistant Executive Officer
Kathi Burns, Enforcement Coordinator
Lavinia Snyder, Licensing Analyst

Agenda Item # 11 - President's Report – Dr. Greenberg

a. Miami CLEAR Convention – September 14-16, 2000

Dr. Greenberg stated that both he and Ms. Taylor had attended the Clearinghouse for Licensure, Enforcement and Regulation Convention in Miami, FL from September 14-16, 2000. This is an association of varied regulatory boards nationwide. Dr. Greenberg indicated that he concentrated on attending sessions that focused on licensing and examination issues while Ms. Taylor attended Enforcement-related sessions. He said that it was interesting to learn how all regulatory boards share so many similar problems even though their population of licensees was vastly different and that it appeared to him that California was quite advanced in its licensing, examination and enforcement procedures.

b. Correspondence

Dr. Greenberg read a letter from one of the Board's probationers that praised the professionalism of Ms. Burns and the effectiveness of the Board's new Probation Program. Dr. Greenberg agreed that Ms. Burns is doing an excellent job in coordinating the new program.

c. Strategic Planning: Asilomar – December 6-8, 2000

Dr. Greenberg reminded the Board that strategic planning for 2001/2002 is scheduled to take place in Monterey at the Asilomar Conference Center from December 6-8, 2000. Mr. O'Connor added that check-in time is not until 3:00 pm, so there will not be enough time to meet on the first day. There will be a full day and a half of planning meetings on December 7-8, 2000.

d. ASPPB Regional Board Member Orientation

Dr. Greenberg attended the Association of State and Provincial Psychology Boards (ASPPB) Regional Board Member Orientation in Washington State. He reported that there were other board

members and Executive Officers in attendance, mostly from western states. The sessions concerned board and staff duties and were facilitated by Randolph Reeves, General Counsel and Executive Director for the ASPPB.

e. Other Post-Agenda Items for Discussion

None.

Agenda Item #12 - Executive Officer's Report – Mr. O'Connor

a. DCA Contract Processing

Mr. O'Connor advised that the Department of Consumer Affairs has implemented new procedures for processing all board contracts. The new procedures are complicated and time consuming. Consequently, many of the Board's contracts are late in being finalized. Mr. O'Connor expressed special concern that the January 2001 hotel contracts for the oral examinations in Los Angeles and Burlingame remain unfinished. He will make it a priority to get those finalized in the next week or two.

b. Budget Realignment and Status of BCPs

Mr. O'Connor reminded the Board that staff had submitted two budget change proposals requesting more staff for fiscal year 2001/2002. One proposal concerned examination validation and development and the other concerned the transfer of complaint intake and license verification responsibilities from the Medical Board of California to the Board of Psychology. Mr. O'Connor reported that the Department of Finance (DOF) denied both of these proposals. Apparently, DOF approved very few proposals for new staff throughout the Department. Mr. O'Connor indicated that he would update the proposals next year and resubmit them at that time.

Mr. O'Connor said that DOF has approved a realignment of the Board's budget. In an unprecedented proposal, the Board had requested that its budget be realigned to redirect 15 percent of the enforcement budget to other budget line items involving public education. The realignment will take effect July 1, 2001.

c. Personnel – Upcoming Changes

Mr. O'Connor reported that Suzanne Taylor is retiring from State service effective December 31, 2000 and that Jeff Thomas has been promoted to replace her as Assistant Executive Officer. He indicated that Kathi Burns has been promoted to Enforcement Coordinator. The Board thanked Ms. Taylor for her years of service on the Board's staff and congratulated Mr. Thomas and Ms. Burns on their promotions.

d. Other Post-Agenda Items for Discussion

None.

Agenda Item #13 - Legal Counsel's Report – Mr. Buntjer

a. Effect of AB400

Mr. Buntjer reviewed the impact that the enactment of AB400 will make on the Board when it becomes effective on January 1, 2001. He reported that the bill deletes equivalent and comparable degrees as pathways to licensure. The Board needs to amend Sections 1386 (a-d) and repeal Sections 1383 and 1383.1 of its regulations in order to comply with the new bill. Mr. Buntjer advised that the Board should continue to accept applications for licensure that include equivalent and comparable degrees until January 1, 2001.

Mr. Buntjer further advised that after January 1, 2001, only doctoral degrees in psychology from accredited institutions can be considered as a pathway toward licensure. An exception to this would be a degree in psychology from an institution that was approved by the Bureau for Private, Post-secondary and Vocational Education prior to July 1, 1999 – providing that the institution had not changed locations/ownership or become a franchise since July 1, 1999.

b. New Statute re: Appeal of Non-Adopted Decisions

Mr. Buntjer explained that a recent Medical Board case (Leone) resulted in a judgment upholding existing law (Business and Professions Code Section 2337) concerning writs filed with the Court of Appeals. That section of law states that review of a Superior Court Decision by the Court of Appeals shall be pursuant to a Petition for an Extraordinary Writ. No oral arguments or explanations of Decisions are offered by the Court of Appeals under this section of law.

c. Other Post-Agenda Items for Discussion

Mr. Buntjer reported that the Sixth Circuit Court of Appeals recently upheld the Board's position in a lawsuit filed against the Board by the National Association for the Advancement of Psychoanalysts (NAAP). In that lawsuit, the NAAP challenged the law that required psychoanalysts to be licensed.

Agenda Item #14 – Continuing Education Update – Mr. Thomas

a. Continuing Education Statistics

Mr. Thomas reviewed continuing education reports of noncompliance for the last year of those licensees renewing their licenses and noted that noncompliance has declined to about 2 percent. In the past, noncompliance rates have been as high as 25 percent.

b. MCEP Accrediting Agency Petition Process Proposal

Dr. Rodolfa asked that this item be referred to the Continuing Education Committee for review and recommendation. This item will, therefore, be tabled until the next Board meeting.

c. Other Post-Agenda Items for Discussion

Ms. Burns reported that the Board's probationers are having difficulty finding enough quality courses in laws and ethics or in supervision issues. She indicated that a large number of probationers are ordered in their disciplinary Decisions to have coursework each and every year of probation in laws and ethics and/or supervision issues and that there simply are not enough courses available to take new ones each year. Apparently, probationers must take the same courses over and over every year in order to comply with the terms of their probation. Ms. Burns suggested that the Board consider allowing probationers to take coursework in other areas once they have exhausted the coursework in

laws and ethics or supervision issues. She recommended that the Continuing Education Committee may want to review this problem and discuss some alternatives. Dr. Greenberg stated that he would meet with Ms. Burns to discuss ways the Board could be more creative in mandating continuing education coursework for probationers. Perhaps the Board may want to consider publishing an article in the BOP Update newsletter calling for more continuing education providers in the areas of laws and ethics and in supervision issues.

No other issues were discussed.

Agenda Item #15 – Regulation Hearing – Examinations/Examination Fees/Continuing Education – 10:00 a.m.

Mr. Buntjer explained that all of the proposed language for Examinations in Section 1388 of the California Code of Regulations has been withdrawn from this proposal because the Association of State and Provincial Psychology Boards (ASPPB) has not completed finalizing the procedures for computerization of the national written examination. Once the details are clear, new regulatory language will be written and another hearing scheduled. For now, the Board addressed only the remaining Sections of the California Code of Regulations – 1388.6, 1392 and 1397.63.

Dr. Allison Perlman addressed the Board concerning Section 1388.6(a) – Waiver of Examination Under Section 2946. Dr. Perlman asked why a psychologist had to be licensed in another state for five years in order to have the national written examination waived. Mr. O'Connor explained that five years post-licensure is used since that is the same requirement used by ASPPB in awarding a Certificate of Professional Qualification.

Dr. Judith Fabian expressed concern that Section 1388.6(b) and the deletion of Section 1388.6(c) would prevent a diplomate of the American Board of Professional Psychology (ABPP) from receiving a waiver of the national written examination. Dr. Fabian had done some research and determined that it was possible for someone to become ABPP-certified without being licensed in another jurisdiction. Dr. Charles Faltz of the California Psychological Association agreed with Dr. Fabian.

The Board discussed the entire Section 1388.6 and most members agreed that while ABPP is a nationally known and respected organization currently, it is unwise to make exceptions in California regulation for national organizations.

M(Ms. Early)/S(Ms. McMillan)/C to approve the language in Section 1388.6 of the California Code of Regulations regarding waiver of examination under Section 2946.

Vote: 6 in favor; 1 abstain (Fabian)

M(Dr. Fabian)/S(Ms. McMillan)/C to approve the language in Section 1392 of the California Code of Regulations regarding psychologist fees.

Vote: 7-0 (Unanimous)

M(Dr. Rodolfa)/S(Dr. Fabian)/C to approve the language in Section 1397.63 of the California Code of Regulations regarding hour value system for examination commissioners.

Vote: 7-0 (Unanimous)

Agenda Item #16 – Regulation Update – Mr. Thomas

a. Draft Continuing Education Provider Regulation Language

Mr. Thomas reported that staff had identified some issues in the draft language submitted by Legal Counsel Dan Buntjer. Mr. Buntjer agreed that the issues staff identified need to be incorporated into the draft regulation language regarding the appeal process for continuing education providers whose approval is denied, suspended, placed on probation or revoked. Mr. Buntjer stated that he would meet with staff to rewrite the proposed language. Hopefully, the new language will be ready for a public hearing by the March 2001 Board meeting.

b. Other Post-Agenda Items for Discussion

None.

Agenda Item #17 - Credentials Committee Report - Dr. Harmell

a. Friedman, Harris, Ph.D. – Request for Waiver of Human Sexuality and Child Abuse Assessment and Reporting Requirements

M/(Credentials Committee)/C to approve Dr. Friedman's request to waive the Human Sexuality coursework but to deny the other requests for waivers.

Vote 7-0 (Unanimous)

b. Larkin, William K., Th.D. – Equivalent Degree Evaluation

M/(Credentials Committee)/C to deny Dr. Larkin's degree as equivalent.

Vote 7-0 (Unanimous)

c. Leger, Jacqueline O'Connor, Ph.D. – Equivalent Degree Evaluation

M/(Credentials Committee)/C to deny Dr. Leger's degree as equivalent.

Vote 7-0 (Unanimous)

d. Rosenbaum, Jill, Ph.D. – Request for Expanded Same Work Setting

M/(Credentials Committee)/C to grant Dr. Rosenbaum's request for expanded same work setting.

Vote 7-0 (Unanimous)

e. Reese, William, III, Ph.D. – Equivalent Degree Evaluation

More information is needed on practicum, but coursework is approved. No vote necessary at this point.

f. Sinacola, Richard, Ph.D. – Equivalent Degree Evaluation

M/(Credentials Committee)/C to deny Dr. Sinacola's degree as equivalent.

Vote 7-0 (Unanimous)

g. Weckerly, Jill, Ph.D. – Equivalent Degree Evaluation

M/(Credentials Committee)/C to deny Dr. Weckerly's degree as equivalent.

Vote 7-0 (Unanimous)

h. Other Post-Agenda Items for Discussion

Singer, Victoria, Ph.D. – Request for Expanded Same Work Setting

M/(Credentials Committee)/C to grant Dr. Singer's request for expanded same work setting.

Vote 7-0 (Unanimous)

Supervised Professional Experience – New Draft Form

Mr. O'Connor reviewed the draft of a new form staff developed to incorporate the new supervision regulations that become effective January 1, 2001 and also allows for verification of experience for previous periods with the appropriate questions and certifications for each time period.

The Board approved the new form. Staff will make arrangements for the form to be properly formatted and printed prior to January 1, 2001.

Agenda Item #18 - Examination Committee Report – Dr. Rodolfa

a. Anderson, Michael G., Psy.D. – Request for Waiver of Oral Exam

M(Exam Committee)/C to deny Dr. Anderson's request for waiver of oral exam.

Vote 7-0 (Unanimous)

b. Hadden, Andrew L., Psy.D. – Request for Waiver of Oral Exam

The Board took no action on this item.

c. Larkin, William K., Th.D. – Request for Waiver of Oral Exam

Since Dr. Larkin's degree was not approved as equivalent, no action was necessary by the Board on this item.

d. Timing of Examinee Surveys - Response

Dr. Rodolfa asked that this item be referred back to the Examination Committee.

e. 10/11/00 EPPP Administration

Mr. O'Connor reported that the 10/11/00 EPPP was administered without incident.

f. Problems with the Professional Examination Service

Mr. O'Connor said that he learned some new information regarding the computerization of the national written examination (Examination of Professional Practice of Psychology – EPPP) while he attended ASPPB's Annual Meeting in Lake Tahoe in October 2000. The Professional Examination Service will be contracting with a computer firm (Pro-Metrics) to administer the EPPP by computer at various locations throughout California. Apparently, the last paper and pencil administration of the EPPP will be in April 2001. Beginning in July 2001, all administrations will be by computer. Some work remains in deciding how to handle the fee collection for the computerized examination. While the Board would like to be eliminated as the middle-man for exam fee collection, the law requires that fees be paid to the Board. Once the fees are collected, candidates will be given a toll-free telephone number to actually schedule the examination after July 1, 2001. Mr. O'Connor clarified that the new examination is computer "administered" and not computer "adapted" testing. Mr. O'Connor explained that the Board will still be responsible to mail out results of the computerized EPPP, and that results should be available sooner than they are now.

g. Other Post-Agenda Items for Discussion

None.

Agenda Item #19 – Enforcement Committee Report – Ms. McMillan

a. Enforcement Statistics

Ms. Burns reviewed the enforcement statistics for the first quarter of fiscal year 2000/2001 and noted that the statistics seem a little high for complaints received and investigations opened as they are projected out for the entire year. She indicated that these statistics probably will level off by the next reporting period.

b. Discussion of New Petition for Penalty Relief Procedures

Ms. Burns reviewed a draft of a new petition form that she developed for petitioners for penalty relief and reinstatement. She received some input from the Board about minor changes to the form, and Legal Counsel Dan Buntjer agreed to review the form from a legal perspective. The Board commended Ms. Burns for doing an excellent job in drafting the new form.

c. Expert Nomination

Ms. McMillan stated that one expert nomination was reviewed and that the Enforcement Committee is requesting additional information before a decision is made to accept or reject the new applicant.

d. Dr. Spielberg Letter – Re: Ethics Course Requirement

Mr. O'Connor reviewed a copy of the letter that he sent to Dr. Spielberg explaining why expert case

reviewers must comply with the ethics course requirement as part of the license renewal process.

e. Press Release Policy

Mr. O'Connor reported that he had recently met with officials at the Department of Consumer Affairs to discuss the efficiency of complying with the Board's policy to issue a press release on every disciplinary decision. Mr. O'Connor pointed out that not all disciplinary decisions are newsworthy enough to warrant a press release. He expressed concern that the media and the public may perceive it to be a wasteful use of resources to issue press releases regardless of the newsworthiness. All such actions are now immediately posted on the Board's website and published in the Board's newsletter, BOP Update. In view of this, Mr. O'Connor recommended that the Board authorize an amended press release policy that would allow the Executive Officer, in consultation with the Deputy Director of the Department's Consumer Education Division, to decide on a case-by-case basis whether to issue a press release.

M/(Enforcement Committee)/C to amend Enforcement Policy #E-92-01 regarding press releases pursuant to Mr. O'Connor's recommendation above.

Vote 7-0 (Unanimous)

f. Other Post-Agenda Items for Discussion

None.

Agenda Item #20 – Legislation Committee Report – Ms. Early

- a. Assembly Bill 2394 (Firebaugh)** – Ms. Early reported that this bill was signed by the Governor in September 2000. The bill concerns a pilot program that would ultimately allow Mexican and Caribbean licensed physicians and dentists to practice in nonprofit community health centers in California's medically underserved communities.
- b. Assembly Bill 1800 (Thompson)** – Ms. Early indicated that this bill had many provisions repealed and eventually died.
- c. Assembly Bill 1975 (Romero)** - Ms. Early reported that this bill concerns a Department of Health Services waiver from licensure for those earning hours of supervised professional experience toward licensure requirements. The Board is watching this bill.
- d. Assembly Bill 400 (Lempert)** – Ms. Early indicated that Mr. Buntjer already commented on this bill under Agenda Item 13(a).
- e. Assembly Bill 1144 (Aanestad)** - Ms. Early reported that this bill concerned prescription privileges for psychologists trained by the Department of Defense and that the bill died.
- f. Assembly Bill 285 (Corbett)** - Ms. Early indicated that this bill was signed by the Governor and concerns telephone medical advice.
- g. Senate Bill 1748 (Perata)** – Ms. Early reported that this bill was signed by the Governor and

provides for a study group to discuss problems associated with understaffed mental health services. Mr. O'Connor indicated that no one had been assigned yet to represent the Board for this study group.

- h. Senate Bill 1554 (Figueroa) –** Ms. Early commented that this bill was signed by the Governor and becomes effective January 1, 2001. The bill ensures that Business and Professions Code Section 2960(o) concerning sexual misconduct with a former patient within two years of termination of therapy will not sunset.

- i. Other Post-Agenda Items for Discussion**

None.

Agenda Item #21 – Consumer Education Committee Report – Mr. O'Connor

- a. Website Statistics**

Mr. O'Connor reviewed the Board's website report and noted that the most hits ever recorded occurred during the second week in October 2000. He attributed this to persons preparing for the national written examination that was given October 11, 2000.

- b. BOP Update 8**

Mr. O'Connor indicated that the BOP Update 8 is complete and is being formatted by the Department of Consumer Affairs Consumer Education Division. The Department promises to have the final version ready for print by the first week in December, so mailing should occur by December 31, 2000.

- c. Other Post-Agenda Items for Discussion**

None.

Agenda Item #22 – Public Comment

Dr. Charles Faltz reported that Wesley Apker, Ed.D. is the new Interim Director of the California Psychological Association. Dr. Faltz indicated that a search is in progress for a permanent Executive Director. Hopefully, by Spring of 2001 a new Director will be in place.

Dr. Allison Perlman asked what reaction the Board had received to the new supervision regulations that take effect January 1, 2001. Dr. Rodolfa reported that the Board has received joyous support and that Mr. O'Connor has been busy answering numerous emails to clarify some of the new regulations.

The Open Session meeting of the Board adjourned at 11:20 am.

Respectfully submitted,

Martin Greenberg, Ph.D.
President

Date